

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Mark Clifford Sykes,

Plaintiff,

v.

Las Vegas Metropolitan Police Department, et
al.,

Defendants.

Case No. 2:21-cv-01479-RFB-DJA

Order

This matter is before the Court on Plaintiff's application for leave to proceed *in forma pauperis* (ECF No. 1). Plaintiff is proceeding in this action *pro se*. The Court finds these matters properly resolved without a hearing. LR 78-1.

Under 28 U.S.C. § 1915(a)(1), the Court may only authorize a party to proceed with an action without paying the fees or costs or providing security for them if that person submits an affidavit including a statement showing the person is unable to pay the costs. The Court's Local Rules provide that a person who is unable to prepay fees in a civil case may apply for leave to proceed *in forma pauperis*. See LSR 1-1. The application must be on the form provided by the court and include a financial affidavit disclosing the applicant's income, assets, expenses, and liabilities. See LSR 1-1. Finally, under Local Rule IC 5-1, an electronic signature may either be in the form of "/s/ [name]" or a facsimile of a handwritten signature. LR IC 5-1.

Here, the Court finds that Plaintiff's application is incomplete because: (1) it does not state the amount of money received from Social Security Benefits under question three; (2) does not explain whether the Plaintiff owns any automobile, real estate, stock, bond, security, jewelry, art work, or other financial instrument or thing of value under question five; (3) crosses out "declare under penalty of perjury" in the declaration section and replaces it with "certify"; and (4) uses an electronic signature without the "/s/ [name]" convention required by Local Rule IC 5-

1 1. Crucially, without complete answers to questions three and five, the Court is unable to
2 determine Plaintiff's income or find that Plaintiff is unable to pay the costs of commencing this
3 action.

4 Having concluded that Plaintiff is not entitled at this time to proceed *in forma pauperis*,
5 the Court need not screen the complaint under 28 U.S.C. § 1915(e)(2)(B), which requires the
6 dismissal of the case at any time if the Court determines that it is frivolous or malicious or fails to
7 state a claim upon which relief can be granted or seeks monetary relief against a defendant is
8 immune from such relief. Plaintiff is instructed to state the amount of money received from
9 Social Security Benefits under question three and respond to question five. Plaintiff is also
10 instructed not to cross language out of the declaration section and, if he uses an electronic
11 signature, to sign using the “/s/ [name]” convention.

12 **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*
13 *pauperis* (ECF No. 1) is denied without prejudice.

14 **IT IS FURTHER ORDERED** that Plaintiff shall file a complete application with a more
15 detailed answer to questions three and five. In the alternative, Plaintiff may make the necessary
16 arrangements to pay the filing fee of \$402, accompanied by a copy of this Order. Plaintiff shall
17 have thirty days from the date of this order—until Thursday, October 7, 2021—to comply by
18 filing a new application to proceed *in forma pauperis* or to pay the filing fee. Failure to comply
19 will result in a recommendation to the District Judge for dismissal of this action.

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21 DATED: September 7, 2021



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23 DANIEL J. ALBREGTS
24 UNITED STATES MAGISTRATE JUDGE
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